

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JOHN DOE,

Plaintiff,

-against-

21-cv-2806 (LAK)

MICHAEL McSWEENEY in his official capacity as  
Clerk of the City of New York,

Defendant.

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**ORDER**

LEWIS A. KAPLAN, *District Judge*.

The plaintiff, an individual who “wishes to make a proposal of marriage . . . to” one of the plaintiff’s biological parents, here seeks (1) a declaration that Section 255.25 of the New York Penal Law, which makes incestuous marriages unlawful, and Section 5 of the New York Domestic Relations Law, which voids incestuous marriages and imposes criminal penalties on participants, are unconstitutional, and (2) an injunction against the City Clerk barring him from enforcing them.

The City Clerk moves to dismiss the complaint for lack of standing and failure to state a claim upon which relief may be granted. The motion to dismiss [Dkt 15] is granted, largely for the reasons set forth in the defendant’s papers.

The Clerk shall enter judgment and close the case.

SO ORDERED.

Dated: September 11, 2021

  
Lewis A. Kaplan  
United States District Judge